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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

K. Malik *et al.*

Serial No. 10/031,067

Filed: January 15, 2002

) Confirmation No. 5996

)

) Art Unit: 1635

)

) Examiner: J. B. Ashen

)

) Atty. Dkt. No. 000487.00011

For: **DIAGNOSTIC METHOD**

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Director of Patents
Washington, D.C. 20231

Sir:

Responsive to the restriction requirement mailed August 10, 2004, applicants elect claim group III with traverse. We believe no fee is due in connection with this amendment. If any fee is due, please charge Deposit Account No. 19-0733.

It is respectfully submitted that at least group II and III should be combined together. These are directed to a method of detection of the differentially methylated state of a specific nucleotide sequence using restriction digest analysis and to a method of detecting the differentially methylated state of a specific nucleotide sequence using PCR. These two methods are linked by a special technical feature, namely, that the differentially methylated state of the nucleotide sequence is indicative of disease state in a patient. The Office Action asserts that the nucleotide sequence was known in the prior art. Even if true, this does not abrogate the special technical feature pointed out above.

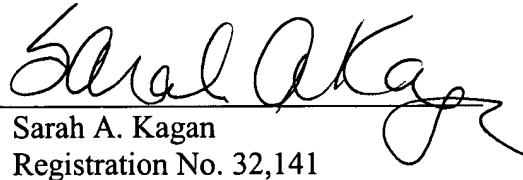
Moreover, it is respectfully submitted that the searches involved for the two groups would be either co-extensive or largely overlapping. Thus the search of the recombined groups would not constitute an undue burden on the examiner. Furthermore, as this application is a national stage of a PCT application, the search has already been completed. Applicants note that

neither the International Search Report or the International Preliminary Examination Report raised the issue of lack of unity. Thus, the full scope of all claims was already searched and examined. Given this procedural history, the burden upon the examiner is minimized.

Respectfully submitted,

Date: September 9, 2004

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